

117TH CONGRESS  
1ST SESSION

**S. 3035**

To establish the Artificial Intelligence Hygiene Working Group, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 21, 2021

Mr. PETERS (for himself and Mr. PORTMAN) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

## A BILL

To establish the Artificial Intelligence Hygiene Working Group, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

### 3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the “Government Owner-  
5 ship and Oversight of Data in Artificial Intelligence Act  
6 of 2021” or the “GOOD AI Act of 2021”.

## **7 SEC. 2. PRINCIPLES AND POLICIES FOR USE OF ARTIFICIAL 8 INTELLIGENCE IN GOVERNMENT**

**9 (a) DEFINITIONS.—**In this Act:

1                     (1) AGENCY.—The term “agency” has the  
2 meaning given the term in section 3502 of title 44,  
3 United States Code.

4                     (2) APPROPRIATE CONGRESSIONAL COMMIT-  
5 TEES.—The term “appropriate congressional com-  
6 mittees” means—

7                         (A) the Committee on Homeland Security  
8 and Governmental Affairs of the Senate; and  
9                         (B) the Committee on Oversight and Re-  
10 form of the House of Representatives.

11                     (3) ARTIFICIAL INTELLIGENCE.—The term “ar-  
12 tificial intelligence” has the meaning given the term  
13 in section 238(g) of the John S. McCain National  
14 Defense Authorization Act for Fiscal Year 2019 (10  
15 U.S.C. 2358 note).

16                     (4) ARTIFICIAL INTELLIGENCE SYSTEM.—The  
17 term “artificial intelligence system”—

18                         (A) means any data system, software, ap-  
19 plication, tool, or utility that operates in whole  
20 or in part using dynamic or static machine  
21 learning algorithms or other forms of artificial  
22 intelligence, including a data system, software,  
23 application, tool, or utility—

24                             (i) that is established primarily for  
25 the purpose of researching, developing, or

1                   implementing artificial intelligence tech-  
2                   nology; and

3                         (ii) for which the artificial intelligence  
4                        capability is integrated into another system  
5                       or agency business process, operational ac-  
6                       tivity, or technology system; and

7                         (B) does not include any common or com-  
8                       mercial product within which artificial intel-  
9                       ligence is embedded, such as a word processor  
10                       or map navigation system.

11                         (5) DIRECTOR.—The term “Director” means  
12                       the Director of the Office of Management and Budg-  
13                       et.

14                         (b) GUIDANCE FOR AGENCY USE OF ARTIFICIAL IN-  
15                       TELLIGENCE.—

16                         (1) IN GENERAL.—In developing an update  
17                       under section 104(d) of the AI in Government Act  
18                       of 2020 (40 U.S.C. 11301 note) to the memo-  
19                       randum issued under subsection (a) of that section,  
20                       the Director shall consider—

21                         (A) the considerations and recommended  
22                       practices identified by the National Security  
23                       Commission on Artificial Intelligence in the re-  
24                       port entitled “Key Considerations for Respon-

1           sible Development and Fielding of AI”, as up-  
2           dated in April 2021;

3                 (B) the principles articulated in Executive  
4                 Order 13960 (85 Fed. Reg. 78939; relating to  
5                 promoting the use of trustworthy artificial intel-  
6                 ligence in the Federal Government); and

7                 (C) the input of—

8                         (i) the Privacy and Civil Liberties  
9                         Oversight Board;

10                         (ii) relevant interagency councils, such  
11                         as the Federal Privacy Council, the Chief  
12                         Information Officers Council, and the  
13                         Chief Data Officers Council;

14                         (iii) other governmental and non-  
15                         governmental privacy, civil rights, and civil  
16                         liberties experts; and

17                         (iv) any other individual or entity the  
18                         Director determines appropriate.

19                 (2) SUNSET.—This subsection shall cease to  
20                 have force or effect on the date that is 4 years after  
21                 the date of enactment of this Act.

22                 (c) ARTIFICIAL INTELLIGENCE HYGIENE AND PRO-  
23                 TECTION OF GOVERNMENT INFORMATION, PRIVACY,  
24                 CIVIL RIGHTS, AND CIVIL LIBERTIES.—

1                             (1) ESTABLISHMENT.—Not later than 45 days  
2                             after the date of enactment of this Act, the Director  
3                             shall establish a working group to be known as the  
4                             “Artificial Intelligence Hygiene Working Group”.

5                             (2) MEMBERSHIP.—The Director shall appoint  
6                             members to the Artificial Intelligence Hygiene Work-  
7                             ing Group from among members of appropriate  
8                             interagency councils.

9                             (3) IMPLEMENTATION.—Not later than 1 year  
10                             after the date of enactment of this Act, the Director,  
11                             in consultation with the Artificial Intelligence Hy-  
12                             giene Working Group, shall implement a means by  
13                             which to—

14                                 (A) ensure that contracts for the acquisi-  
15                             tion of artificial intelligence and artificial intel-  
16                             ligence systems—

17                                 (i) align with the memorandum  
18                             issued, and periodically updated, by the  
19                             Director under subsections (a) and (d), re-  
20                             spectively, of section 104 of the AI in Gov-  
21                             ernment Act of 2020 (40 U.S.C. 11301  
22                             note);

23                                 (ii) address the protection of privacy,  
24                             civil rights, and civil liberties;

(iii) address the ownership and security of data and other information created, used, processed, stored, maintained, disseminated, disclosed, or disposed of by a contractor or subcontractor on behalf of the Federal Government; and

(iv) include requirements for securing the training data, algorithms, and other components of any artificial intelligence system against—

(I) misuse;

(II) unauthorized alteration;

(III) degradation; or

(IV) being rendered inoperable;

and

(B) address any other issue or concern the Director determines relevant to ensure—

(i) the appropriate use of artificial intelligence and artificial intelligence systems; and

(ii) the protection of privacy, Federal government data, and other information of Federal Government.

1       this Act, and not less frequently than once every 2  
2       years thereafter, the Director shall update the  
3       means implemented under paragraph (3).

4                 (5) BRIEFING.—Not later than 90 days after  
5       the date of enactment of this Act, quarterly there-  
6       after until the date on which the Director imple-  
7       ments the means required under paragraph (3), and  
8       annually thereafter, the Director shall brief the ap-  
9       propriate congressional committees on the implemen-  
10      tation of this subsection.

11                (6) SUNSET.—This subsection shall cease to  
12      have force or effect on the date that is 10 years  
13      after the date of enactment of this Act.

